

APPEAL NO. 031911
FILED AUGUST 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 23, 2003. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable left foot injury of _____, extends to include neck and low back injuries, but does not extend to the bilateral inguinal hernias or a ventral hernia. The claimant appealed the hearing officer's determination that the compensable injury does not extend to the bilateral inguinal hernias or a ventral hernia. In its cross-appeal, the respondent/cross-appellant (carrier) argues that the hearing officer's determination that the compensable injury extends to include neck and low back injuries is against the great weight and preponderance of the evidence. In their respective responses to the appeal and cross-appeal, the carrier and the claimant urge affirmance of the challenged determinations.

DECISION

Affirmed.

The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It was a matter for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was persuaded that the claimant sustained his burden of proving that he injured his neck and low back in the incident at work on _____, but that he did not prove that the bilateral inguinal hernias or a ventral hernia were caused by that incident. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the determination that the compensable injury includes the neck and low back but does not include bilateral inguinal hernias or a ventral hernia. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ARCH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge